

GOVERNOR'S MESSAGE.

to the Senate and House of Representatives:

GENTLEMEN: I welcome you to the Capital as the recently elected representatives of the people. The exciting contest of the election passed off quietly, and the people, recognizing ours as a government of opinion, in which differences may be safely tolerated where questions involving the public interest are left free to discussion, the expression of the popular will at the ballot-box was not openly marked by either fraud or violence. We have reason to congratulate ourselves, that whatever disasters have occurred to others in the elections, in other States, our people have observed a strict observance of the laws, as the surest guarantee of the purity of the elective franchise, and of the preservation of the public peace. The same voice which has called you to your present sphere of duty, has determined my position, also, as a co-ordinate department of the Government with you. I feel, therefore, that there is an identity of sympathy and interest between us in relation to all the great interests of the State, and of our common country.

You have met, gentlemen, under circumstances and auspices the most favorable, so far as relate to the domestic interests of the State. With the exception of the pestilence, which, within a few years past, has commenced its annual visitations to our cities, including the Capital, and some of the interior villages of the State, our people have for the last two years, been blessed with unusual health, and abundant harvests have crowned their industry in every branch of labor. "Religion, morality, and knowledge," the three great elements of civilization, which tend most to make a people great, and happy, are more widely diffused, and more highly cultivated throughout the State, than ever before, and the standard of virtue and intelligence is elevated to a higher scale. The burdens of government rest lightly upon the people, prosperity scatters plenty to them, patriotism subdues ambition, and we scarcely know or inquire what it is that brings to us the great blessings of life we so happily and securely enjoy. It is the shield of the government over us, held by the overruling hand of Providence, manifesting itself through our institutions, and in the sentiment of our people, which acknowledges it, and for which we should be ever grateful. The constitution makes it the duty of the Executive to give to the Legislature information of the state of the government, and to recommend to their consideration such measures as he may deem necessary and expedient.

The last Legislature provided by law, that three commissioners should be appointed to revise, digest, and codify the laws of the State, and to propose such alterations, or amendments, of the exist-

ing laws, and such new laws, as they might deem expedient. A to propose a code simplifying and regulating the practice courts, with a manual of forms for the use of Clerks and Just the Peace. These commissioners were to be appointed 1 Judges of the High Court of Errors and Appeals, and the port to be made and submitted to them, whose duty it was amine and report the same to the present session of the L ture, if practicable, recommending such alterations and amend as they might deem proper. It has not come within my pro to know what has been done by the commissioners (n t) is su but from the high character for ability and learning of the g men appointed, I suppose the work has been well performed will be presented for your action at the present session. adoption of an entire new code of laws is a matter of the h importance to the people of the State, which will be appre by the Legislature as fully as by myself. I have but a singl gestiou to make in reference to it. That is, as I suppose th port will embrace, as far as practicable, in general laws, all ests and questions, local or otherwise, in the State, that no s legislation shall be permitted to interfere with these, either adoption of the laws reported, or in such others as the Legis may adopt in connection with them. Special legislation i always be avoided, where general laws will reach the case. ing so soon begets confusion, and renders the law an unme mass to the people, and uncertain in its administration throug courts. The report of the commissioners, when adopted, an legislation of the present session, connected with it, will er the entire statute law of the State. It will form a starting from which every citizen may readily learn what the law is may long be preserved as an intelligible standard to all, i marred by the incongruity of special legislation.

This action of the last Legislature relieves me from the ne ty of making many recommendations in reference to the ge laws of the State, which otherwise might have been deemed dient, but which now might be wholly useless. I shall, ther confine myself more strictly to the first branch of my constitut duty, in giving information of the state of the government, and gesting such measures for your consideration, as relate more cially to the general advancement of the interests and prosp of the State.

The duties devolved by law, upon the State officers, for the two years, have been faithfully performed. Their various re will show in detail the condition of the public business in several departments.

The general statement from the report of the Treasurer, pre a highly satisfactory condition of the finances, and shows that revenue law of the last session has fully met the demands the Treasury.

Receipts from all sources, in 1853,.....	\$483,722 23
Expenditures, in 1853,.....	313,248 89
Balance on hand, January 1st, 1853,...	\$ 88,934 12½
Balance receipts,.....	483,722 23

Balance on hand, January 1st, 1853,...	\$572,656 35½
Receipts from State taxes, in 1853,.....	313,248 89½
Balance on hand, January 1st, 1853,...	\$259,407 46
Receipts from State taxes, in 1853,.....	\$330,939 49
Balance on hand, January 1st, 1853,...	293,554 38
Receipts from taxes over last year.....	\$37,415 11

The following general statement from the Auditor's report shows the total receipts and disbursements through his office, from 12th December, 1853, to 1st January, 1855, on all accounts, the details of which appear in his report.

Disbursed by Warrants from Auditor's office, as follows:

From 12th to 30th December, 1853, \$	9,708 60
During the year 1854,.....	584,296 84
“ “ 1855,.....	311,578 19
Total.....	\$905,583 63
Receipts by Warrants from this office	
During same time,.....	\$826,376 04
Receipts without Warrants on account Internal Improvement fund,	161,597 32
	\$987,973 36
Receipts without Warrants on account of Swamp Land sales,.....	608 36
Total,.....	\$988,581 72

Excess of Receipts over Disbursements, \$82,998 07.

The general statement from the Report of the Secretary of the State in reference to the Swamp and Overflowed Lands, shows the number of acres confirmed to the State to be 2,487,254 51-100, the number of acres sold by the State 1,367,192 88-100. The Lands will be made the subject of a special communication to the Legislature.

Soon after I came into office I found that of the 500,000 acres of land granted to the State in 1841 by the General Government for Internal Improvement, near ten thousand acres were not yet surveyed and confirmed to the State. I appointed Gen. John Rayburn, who had formerly acted as agent of the State, to make the selection. And this grant, as well as the grant for the Chickasaw Indian Lands is now closed.

The Report to the Governor of the Joint Select Committee to complete the examination of the Treasurer's, Secretary of State's and Governor's offices, unfinished at the adjournment of the last session, is herewith submitted with accompanying documents and

its several suggestions recommended to your favorable consideration.

The Report of the Adjutant Gen'l, when submitted, will inform you of the state and condition of the Militia, and volunteer organizations in the State, and of the Public Arms.

The report of the Superintendent of the Penitentiary shows the Institution to be in a prosperous condition, though it has had many disadvantages to contend with during his term.

The following is the general account, closed by law, the 30th November:

Inventory of stock and other property	
on hand, December 1st, 1854,...	\$63,300 34
Cash on hand same day.....	10,103 25
Cash drawn from Treasury during the	
year, to pay salaries of officers and	
Guard,	5,084 15—\$78,487
Inventory of stock and other property	
on hand, November 30th, 1855,...	72,503 12
Cash on hand same day,	9,103 36
Account against State for board of prisoners	
awaiting trial before High	
Court, for meal, corn, clothing, &c.,	6,638 68—\$88,245
	<hr/>
	\$9,757

"Deduct from the above balance the sum drawn from the Treasury, and the result will show a nett gain in favor of the operation of the Institution for the past year, of \$4,683 27-100. Add the amount that would have been realized from the sale of property not manufactured in consequence of the unavoidable delays in repairing the machinery, and a nett gain of \$17,643 27-100 would have been the result, leaving out of the calculation the loss of property not manufactured for want of hands to attend the looms."

I ask the consideration of the Legislature to the report of the Superintendent, with that of the Inspectors, and recommend their various suggestions be carried out by law, especially the reference to the term and tenure of the offices of Superintendent and Physician, and the change of the law passed at the last session prescribing the mode of conveying convicts to the Penitentiary.

I have collected from the Treasury of the United States the amount paid into the Treasury of the State, on account of the Two and Three per cent. Funds, \$13,533 40, accruing to the State from the proceeds of the sales of public lands within her limits.

William H. Muse, Secretary of State, died on the 9th of January, 1855, and I appointed A. B. Dilworth to fill his unexpired term, who discharged the duties of the office faithfully, and has since been elected by the people to a regular term.

James W. McDonald, elected State Librarian, by the last Legislature, resigned his office on the 4th day of July, 1854, and I appointed H. H. Chalmers, Esq., in his stead, who has discharged the duties of the office well.

The report of the State Commissioner will advise you of the business of his office, and the condition of the various funds under his charge.

The report of the Trustees of the Lunatic Asylum presents the condition and requirements of that Institution. The number of patients now under treatment is *fifty-two*. The entire number received since the opening of the Asylum, has been seventy. The report of the Medical Superintendent, exhibits the average number of patients in proportion to the number of patients treated, as showing the success of the Institution. The expenses of the Institution have exceeded in the past two years by about \$10,000, the appropriations for its completion and support. The causes of this will be explained by the report of the Trustees, and Medical Superintendent, which will in due time be submitted to the Legislature. The sum of ten thousand dollars per annum was appropriated at the last session, to pay the quarterly expenses of the Institution. This being exhausted, upon the representation of the Trustees and Physician, that the Institution would necessarily have to be abandoned, without further means, and the inmates turned out, I gave my approval to the Auditor and Treasurer, in advance of the Institution, from the Treasury, \$10,000, necessary to its support, on the Trustees filing their bond to indemnify the State in return, if not sanctioned by the Legislature. Necessity required it, and I recommend the appropriation by the Legislature, of the sum so advanced to the Institution. The Asylum is an honor to the State. It is on a scale of magnificence, and convenience and comfort for its unfortunate inmates, unsurpassed by any similar Institution in the United States. It is a monument to the impulses of the great heart of humanity, which swells within the bosom of our people. I commend the suggestions in the report of the Trustees and Medical Superintendent to the careful consideration of the Legislature, and recommend that ample appropriations be made for the support and maintenance of the Institution.

The report of the Trustees of the Institution for the Blind, and Deaf and Dumb, will inform you of the situation and requirements of these Institutions. The appropriations heretofore have been adequate for their support. These are the Asylums for the unfortunate and afflicted, who are the children of the State, and whom it should take care of, and provide for them. A lot, with suitable buildings erected, was purchased by the Trustees, for the Institution for the Deaf and Dumb, at a cost greater than the sum appropriated for that purpose, and it was agreed by the party, from the time the purchase was made, to look to the Legislature, on the recommendation of the Trustees, for the balance—fifteen hundred dollars. The facts will appear in their report. The arrangement, I think, was a good one, and I recommend that the appropriation be made, and such other appropriations as will be required for the support and maintenance of these Institutions.

The three several amendments of the constitution, submitted by

the last Legislature to the people, received at the election the required vote to make them a part of the constitution, and it was for the Legislature at the present session, to insert them in the constitution, and to adopt such legislation as will carry them into effect.

The constitution requires the Legislature at periods of not more than every four, nor more than every eight years, to cause an enumeration to be made of all the free white inhabitants of the State, in accordance with which, at the several periods of making an enumeration, the whole number of Representatives and Senators in the Legislature, is to be apportioned as provided in the constitution. In 1845, the enumeration was made, and in 1846, the present existing apportionment of Senators and Representatives was made under it. In 1853, the enumeration was again made, but the Legislature of 1854, to which it was returned, failed to make the apportionment in accordance with it. In the fall of 1854, there was called upon by quite a respectable public sentiment, to convene the Legislature in special session, for the purpose of making this apportionment. I declined to do so on the ground that I did not hope or expect, that upon a subject upon which the members had deliberately acted at the regular session, they would later agree at a special session, and a heavy expense, which the finances of the State, at that time, were not in a condition to sustain, would be incurred, without corresponding benefit. The duty of making the apportionment will devolve upon you at the present session. I respectfully suggest that a spirit of conciliation and concession be brought into your deliberations on this subject, as far as the views of constitutional duty will permit.

By the general appropriation act of the last session of the Legislature, the Auditor of Public Accounts, under the supervision of the Governor, and Attorney General, was authorized to settle the account between the State and James E. Matthews, former Auditor. The special report upon this subject, will advise you fully of the settlement made. A balance of six hundred and forty-one dollars and ninety-two cents, was found due to Mr. Matthews under the provisions of the act, and a warrant issued by the Auditor directed, for this sum in his favor. It is due to Mr. Matthews to say, that on a careful examination of the facts in this case, no suspicion rests upon our minds, of a want of integrity on his part in connection with the transactions, which led to the controversy between him and the State.

By the act of the last session, "making appropriations for the repair of the Capitol and Executive Mansion, and for other purposes," the Auditor and Governor were made commissioners to contract for and superintend the execution of the work—to certify that it was faithfully done, and to the best advantage of the State. I respectfully refer you to the report of the commissioners on this subject. This act, with the one authorizing the settlement with James E. Matthews, devolved upon the Auditor, outside of the regular business of his office duties, onerous and troublesome. I the

I recommend to the Legislature to make to him such compensation the same, as in their judgment they may deem just.

No further appropriations will be required for the repair of the Executive Mansion, nor for the outside enclosure. But additional work will be required for the inside division fences, and the outbuildings. The special attention of the Legislature is asked to the condition of the Capitol. The soft stone of which it is composed, seeming to yield to decay; also, to the enclosure of the Capitol grounds, and such appropriations suggested as in their judgment may be required.

The act of 17th February, 1854, to regulate the granting of licenses to retail vinous and spirituous liquors, has succeeded well, and met generally with the approval of the people. It is founded upon the right principle, of submitting the question of the licence to the sentiment of the majority of the community in which it is to be granted. I recommend adherence to its provisions.

When I entered upon the duties of the executive office, almost the first questions which came before me were applications for the exercise of the pardoning power. I laid down rigid rules for my government on this subject, and have adhered to them. I have not hesitated, however, to exercise the power in cases, which in my judgment, were clearly entitled to it, and which my sense of duty required. But a question has arisen as to the power of the Governor, under the constitution, on this subject, as to whether he has the power to pardon in cases before trial and conviction. The constitution says:

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves or pardons, and remit fines, and in cases of forfeiture to stay the execution until the end of the next session of the legislature, and remit forfeitures by and with the advice and consent of the Senate. In cases of treason he shall have power to grant reprieves and with the advice and consent of the Senate, but may respite sentence until the end of the next session of the legislature."

There can be no reprieve without a sentence—there can be no pardon and no forfeiture without a judgment. In case of treason the Governor has no power until after sentence. Can he then pardon before trial and conviction? Clearly I think not. What is meant, in my judgment, by *criminal and penal cases* in the constitution, for the exercise of the pardoning power by the Governor, are cases adjudicated, determined upon by some competent tribunal, and the party adjudged guilty of some offence, and not cases before trial and conviction. I have so decided. My predecessors, however, as far as I have been able to learn their opinions, decided differently, and many gentlemen, highly learned in the law, coincide with them, and take a different view of this question from myself. The question is not, what is the extent of the pardoning power elsewhere, but what is it, under the constitution of Mississippi? It seems to me, that a construction of the constitution to give the Governor the power to pardon before trial and conviction,

is at war with the genius and structure of our State Government, which is divided into three separate departments, each having a distinct sphere of duty, and this power would enable the Governor to supercede the Judiciary in any criminal or penal offence. The Executive, however, will construe the constitution for himself, and I have only thought proper to submit to the Legislature, and through them, to the country, my views upon this subject.

The act of February 4th, 1854, granted to the Southern Railroad company an extension to the 8th day of March, 1858, to complete the road to the Alabama line, and in accordance with the requirements of this act, the sureties on the bond of the company, given to the State, to build five miles of the road east of Brannan, by the 1st of January, 1854, and ten miles more by the first of June, 1854, filed their agreement in writing with the Secretary of State, that this act of extension should not impair or in any manner effect their liability on said bond. The work on the road is not progressed with the expectations of the company, and whether they have a prospect of completing it to the Alabama line, by the time specified, I am not advised. A report will doubtless be made by them to the present session of the Legislature.

Under the act of 2d March, 1854, to aid in the construction of the New Orleans, Jackson, and Great Northern Railroad, in the State of Mississippi, and for other purposes, I appointed Powhatan Robinson, Engineer, to survey and locate the line of the Gulf Ship Island Railroad, and to make out the proper profiles, maps, &c., and an estimate of the cost of building said road. The work was well executed, and for full information on this subject, I refer you to the report of the Engineer, with my letter of appointment and instructions to him, and his splendidly executed map, showing the line and profile of the road. Five thousand dollars were paid Mr. Robinson, on my requisition, for this work. All that the law allowed.

Under the same act, which reserved in the Treasury a sum not to exceed one hundred thousand dollars, when collected, subject to the requisition of the Governor, in favor of the Mobile and Ohio Railroad company, in accordance with the provisions of the act of 16th March, 1852, on the report of S. B. Parker, appointed agent of the State, by me, under said last act, to examine ten miles of said road made ready for the iron rails, in this State, and in continuation of that portion of the road in running operation in the State of Alabama, and on the delivery to me by the President and Directors of said company, of certificates of stock in said company, for the sum of *one hundred thousand dollars*, that sum was paid, on my requisition, to said company, for which the certificate of stock were deposited by me in the Treasury. Copies of the report of the agent, and of my letter of appointment and instructions to him, are herewith submitted.

Under the same act, there has been paid to the New Orleans, Jackson, and Great Northern Railroad company, the sum of *one hundred and forty-three thousand dollars*. And to the Mississippi

eral Railroad company, the sum of *sixty-two thousand, five hundred dollars*. For which sums, severally, these companies have deposited certificates of stock for the State in the Treasury.

Some differences of opinion existed between these three companies as to their rights under this act, and some delays were caused in making to them the several payments. But these differences were amicably adjusted by mutual agreement between them, and the balance of the proceeds of the Internal Improvement lands, as is realized, now goes to the New Orleans, Jackson, and Great Northern, and Mississippi Central Roads, in the proportions specified in the act.

The Mobile and Ohio Railroad is now completed to the Lauderdale Springs station, near the north boundary of Lauderdale county, a distance of one hundred and fifty-three miles from Mobile, and the cars are running successfully to that point. The iron rails, before the last of December, were laid down seven miles north of the above station, beyond the line of the southern boundary of Cooper county, and are gradually being extended, as fast as the ability of the company will admit. The business and travel upon the road surpass expectation, and the limited available means of the company, exhausted always by their continued effort for the extension of the track, scarcely enables them to furnish it with machinery and rolling stock, sufficient for the demands of the every increasing transportation. The advantages to the country through which the road passes, and which it is reaching, heretofore remote from market, and destitute of facilities, have neither been calculated, nor anticipated. Reality now presents them with astonishment even to those who in anticipation supposed they had fully realized them. The road bed is mostly completed and in readiness for the iron rails to the Tennessee line, and in fact nearly so to the northern terminus, near the mouth of the Ohio river. This road is under a good direction. It stands upon a firm basis, and will go through; but it requires aid to give it that progress, which the value of time and the great interests of the country now demand.

The New Orleans, Jackson and Great Northern Railroad is completed, and in successful running operation to Osyka, on our State line, a distance of eighty-eight miles from New Orleans. It reached this point, to which it has been brought, almost exclusively, if not entirely, by means furnished by the State and citizens of Louisiana, and city of New Orleans, about the 4th of July, 1841. Since that time, the iron rails have been laid six miles north of Osyka. Upon this portion of the line the cars are running, but it is not open yet for general trade. The grading of the Road is completed to Brookhaven, in Lawrence county, a distance of thirty-eight miles from Osyka. The means of the company have not been available to purchase the iron for this part of the Road. The distance from Osyka to Jackson by the line of the Road, is ninety-five miles, (air line 91½ miles.) If the iron rails were laid to Brookhaven, it would be in running operation within

fifty-seven miles of the Capital. Fifteen miles of the Road completed, and in running operation from Jackson north to Canton, and the whole line will be completed to Canton by middle or last of February next. The Road is graded ten miles or more in Monroe county, north and south of Aberdeen, but the company has not been able to reach that section with the rails.

This Road forms one of the most important lines through our State, and in its connections with other Roads, one of the important lines in the United States. Its means are sufficient if they were available, to construct portions of it, if not the whole line, gradually, but slowly. It requires additional aid to give it that progress which it merits, and which the great interests and necessities of the country so imperiously demand.

Twenty-four miles of the Mississippi Central Railroad are completed, and now in running operation from the Memphis Charleston Road to Holly Springs. The business upon it equal and exceeds the expectations of the company. One hundred and twenty miles of additional road bed from Holly Springs south, to Canton north, together, will be in readiness for the iron rails July next—a considerable portion of this distance being now in readiness for the cross ties. But thirty miles of the earth-work on the whole line are not let to contract. A recent purchase of iron rails has been made by the company, sufficient to lay down fifty miles, commencing at Canton and Holly Springs by the first day of April next. And had the company the necessary means to prosecute the work, the whole line could be put in operation within two years from this time. The success of this road has been remarkable. While the Mobile and Ohio, incorporated in 1848, and the New Orleans, Jackson and Great Northern in 1850 and '52, have their commencement at important commercial cities, and look to their northern terminus as forming connections with great through lines of travel, the points of terminus which they connect, being always regarded as essential to the success of railroad enterprises, this road receiving its charter in 1852, and connecting by its points of terminus simply with these other roads, with the one at Canton, and the other at Jackson, in Tennessee, passing through a country supposed to be unfavorable for a railroad line, and looking apparently to local supplies in its progress and prospects, kept pace with, if not surpassed, either of the others—promises to keep up with the swiftest, and is destined, besides the immense local traffic which awaits it, to become an important link in the great line upon which the ever swelling volume of commerce and travel is to find its way from the valley of the West to the shores of the Gulf. The company has received from all sources about \$820,000—has expended for construction, equipment, &c., about \$910,000—including what has been expended on the work, the available means of the company is about \$2,000,000, and the estimated cost of the road with partial equipments, is \$3,000,000. Hence it will be seen

but \$1,000,000 additional is required to complete the work. Its amount, if now rendered certain, as the line progresses, would ensure the completion of the entire road by the first day of January, 1858.

I will not speak to the Legislature of the incalculable value of the roads to the State, when completed. If all do not see and feel it, no suggestions of mine could make it manifest. The time has passed when the value of well directed rail road improvements could be calculated. Axioms are propositions admitted. So is the value of rail road improvements. These roads, when completed, will form together a line of *eight hundred miles* within the limits of the State. In connection with others now in progress, and others to be, which will necessarily grow up as arms or branches of these, they will soon make to our people for all the purposes of commerce *travel, distance a point, and time but a moment.* The brilliant prosperity which they will give to our State the most sanguine has not conceived, and wonder herself will be astonished at the magnificent results. In their connection with other lines they will place in the same communication throughout the United States, and will bell which tolls the departure of the iron horse from the Lakes. The North will scarcely have its echoes returned from the waters of the Gulf before his neigh will be heard upon its tranquil shores. The despatch which announces his departure from the Empire City of the North, borne by the genius of Franklin, transmitted to New Orleans, with lightning rapidity along the wire line, will but have heralded his coming upon his iron way, in time for the man of commerce, in the Crescent City of the South, to take care of his freight-train. And all this will pass through our State.

I would not recommend to the Legislature any thing that would embarrass the State or burden the people. But these rail roads I think should have our aid. They linger wistfully for completion, but slowly without our help. The high mettled steed is upon the track, and only waits for the hand of the State to turn him upon the iron line, with a loosened bit. The burdens of our State government are not now onerous, and the advantages of these works, if now seen, when completed, will be so felt by the people as to be appreciated.

The State has already over *three hundred thousand dollars* invested in stock in these roads, and when the proceeds of the sale of the Internal Improvement Lands are realized, will have over *half a million.* This fund, however, has been derived from the General Government, and the State herself has done nothing for the roads.

I, therefore, recommend to the Legislature to consider the propriety of so increasing the revenue as to raise a surplus in the Treasury of *two hundred thousand dollars* to be invested in stock, by cash payments annually, to these several companies in proportion to the extent of their lines within the limits of the State, to be applied to the purchase of or payment for iron rails when the road beds are in readiness for the iron superstructure. And that all moneys loaned at interest to these companies, or invested in their

bonds or stock in the State be exempted from taxation until the several roads are completed. This will be a small sum for the State to raise, and a small sum for each of the companies to receive. It will be a cash sum to them, and inspire confidence in their success by the encouragement given them by the State. And large amounts of private capital, it is believed, now driven from the State to be loaned elsewhere, when exempted from taxation, and inspired with confidence by the State aid to these roads, will see investment in their bonds and stocks, and furnish them with ample means to progress rapidly to completion. This last suggestion will be objected to, by some, as a special privilege. The Constitution authorises the grant of special privileges, in consideration of great public benefits conferred. Incidental advantages in this case will result to those who make the loans, but the object is to benefit these works of great utility to the State. This principle has already been recognized in reference to these companies, by similar exemptions in their charters.

That this appropriation shall be continued for five years, at which time the Mobile and Ohio Road is completed, the amount proportioned to it shall then be invested in stock in the Southern Railroad—the amount to the Central when completed, in the Mississippi and Tennessee Rail Road, and the amount to the New Orleans, Jackson and Great Northern Railroad, when completed, the Gulf and Ship Island Rail Road, all as first provided. This in two to three years will complete the three first roads—in three to six years the three last, and the State will have invested in them paying stock of more than *one million and a half of dollars*, yielding a dividend to be appropriated to any other objects of Internal Improvement she may desire, or then to the great purpose of education, or if to none of these, then sufficient to pay the expenses of her government, without taxation. Should these suggestions meet with the approval of the Legislature it will be for their wisdom to arrange the Revenue Law as to produce the desired result. It is believed the restoration in part of the Revenue Act of 1846, with some additions to the present law, will accomplish the object.

Two thousand five hundred dollars were appropriated by the last Legislature to print two thousand copies of the Report of Prof. B. L. C. Waller's State Geologist, and it was provided that after distribution of one thousand copies, as the law directs, one thousand copies should be deposited in the office of the Secretary of State, to be sold by an agent or agents to be appointed by the Governor under such regulations, and for such sum each, as he might deem advisable for the purpose of reimbursing the State for the publication of the work. I directed the Secretary of State to make sale of the work at \$2.50 a copy to realize the amount expended for its publication. But few copies have been sold.

The people do not seem to appreciate the sale by the State to her own citizens, of a work however valuable, emanating from one of her public officers, and intended to give useful information on the

important subject of geological and agricultural science. I recommend that the work be distributed gratuitously in such manner as the Legislature shall deem best, to diffuse most widely among the people, the valuable information which it contains. The Geological survey of the State is still progressing, and an interesting Report is expected from Prof. L. Harper, State Geologist.

A Resolution of the Board of Trustees of the State University adopted at their meeting in July, 1854, expresses the desire, that the Governor shall recommend to the Legislature, to provide by law for the appointment of a Board of Visitors, to attend the regular examinations of the Institution, and make Report thereon. The necessity and importance of such a Board I think is obvious. In the first place, the University is a State Institution, and should be subject to the visitation of the State through her regularly appointed agents. Secondly, the appointment of a Board of Visitors will act as a stimulus to the students to prepare themselves well for the Annual Examinations. And lastly, the great advantage to be gained will be the bringing the University into public notice through the reports of the Board of Visitors. I recommend to the Legislature compliance with the wishes of the Trustees on this subject. I am gratified to state that the University is in a most flourishing condition. The number of students is about two hundred. The professors, for ability and learning, are equalled by but few in any similar Institutions in the United States, and the admirable discipline of the learned and excellent President is unsurpassed. The Board of Trustees will be in session in a few days at the Capital, when their Report will be submitted to the Executive, and made the subject of a special communication to the Legislature, connected with all the interests of the University, which I commend to your most favorable consideration in every regard.

The proposition for the establishment by the State of a Female College, for the thorough and accomplished education of the daughters of the State, has been brought prominently and interestingly before the public, and to the notice of the Executive, by Miss Keau, a young lady of accomplishment, intelligence and talent, educated in this State, a resident of Grenada, engaged in the business of female instruction, and devoted to the intellectual advancement of her sex. I commend the subject to the favorable consideration of the Legislature.

The system of common schools is one which has been so much the subject of special legislation in our State, that in its present condition I have not been able, upon the maturest reflection, to present for the consideration of the Legislature, any well-digested plan for its future success or improvement. The growing wealth, and increasing population of our State, and the injunction of the constitution that, "Schools and the means of education shall forever be encouraged in this State," induces me to suggest to the Legislature the propriety of providing, by law, for the appointment of a State Superintendent of Public Instruction, whose duty it shall be to traverse the State, and collect all information on this subject,

and devise and report a plan for a general system of common schools, adapted to the wants, the interests and the necessities of the State. This I consider essential to the proper commencement and future success of any system that may be adopted. The mind of the State, and the soil of the State, should be cultivated and developed. There is no increase of wealth without production—no increase of knowledge without the cultivation of mind.

For the preservation of the public health, and to guard, if possible, against the terrors and dangers of the pestilence which recently commenced its alarming visitations to our State, I recommend to the Legislature, to provide by law, for the appointment of a suitable person, learned in the science of medicine, and the nature and causes of disease, to act singly or in conjunction with others, appointed by other States, to inquire into the causes which produce this afflicting scourge, and the means by which it may be prevented, if possible, from coming within our limits.

For the greater security of the public buildings against fire, and the health of the city of Jackson, where the public officers are required to reside, owing to the great scarcity of water in the months of the summer and fall, I recommend the boring by the State, of an Artesian Well, on some of the public grounds near the Capital, or Executive Mansion, suitable for that purpose.

I transmit, herewith, resolutions from the States of Connecticut, Rhode Island, Maine, Massachusetts, Michigan, and Pennsylvania, some on the slavery, and some on other questions. To those from the State of Maine, I ask the especial attention of the Legislature. They are embodied concisely in the instructions of the Maine Legislature to their Senators and Representatives, to use all practicable means to secure their passage in Congress, and are believed to be the sentiment cherished by the large majority of the members in that body, from the Northern States, which at present prevents the organization of the House of Representatives, on account of their hostility to the South on the slavery question.

They are, "*First*—An act repealing all laws of the United States authorizing slavery in the District of Columbia."

"*Second*—An act repealing the statute of 1850, known as the Fugitive Slave Law."

"*Third*—An act forever prohibiting slavery or involuntary servitude, except for crime, within the territories of the United States."

"*Lastly*—That *their* Senators in Congress be instructed, and Representatives requested, at all times hereafter, most strenuously to oppose in every justifiable way, the admission of any new State into the Union, except upon the condition to be embraced in the act of admission that slavery or involuntarily servitude, excepting that for crime, of which the accused shall have been duly proved guilty, shall be forever prohibited therein."

They denounce also the repeal of the Missouri Compromise, by which they say slavery was forever prohibited in the territory north of the parallel of 36 deg. 30 min., as an unjustifiable viol

of a solemn compact and a flagrant breach of faith. And that a copy of these Resolves shall be forwarded to the Governor of each State, to be laid before the Legislature thereof.

Objectionable as these resolutions are, I have had no hesitation as to the course to be pursued with them. They were the sovereign voice of the State, expressed through her Legislature, and whether passion or fanaticism had temporarily the control, were for the time being, to be considered as her sovereign will. It is hoped they were not the voice, truly represented, of her people, and it is believed that a better sentiment has control of her counsels now. But it was my duty to present them to the Legislature, and let the sovereign voice of Maine be met by the sovereign voice of Mississippi.

Upon the questions embraced in these resolutions, Mississippi has taken her position. Not hastily, but calmly—deliberately. Embodied in her action in convention in 1851. When after almost grave consideration of the subject, she declared in reference to what were termed the "Measures of Compromise," and in objection with them the rejection by Congress of the proposition to exclude slavery from the territories, and to abolish it in the District of Columbia,—that while she did not entirely approve, she stood aside by them as a permanent adjustment of a sectional controversy. She at the same time declared that she held the measure secondary to the rights and principles it was designed to perpetuate, and that violations of her rights might occur, which would amount to intolerable oppression, and justify a resort to measures of resistance, amongst which she enumerated the following:

1. The interference by Congressional Legislation with the maintenance of Slavery in the States.
2. Interference with the trade in slaves between the States.
3. Any action of Congress on the subject of Slavery in the District of Columbia or in places subject to the jurisdiction of Congress, incompatible with the safety and domestic tranquillity, or the rights and honor of the slaveholding States.
4. The refusal by Congress to admit a new State into the Union on the ground of her tolerating slavery within her limits.
5. The passage of any law by Congress prohibiting slavery in any of the territories.
6. The Repeal of the Fugitive Slave Law, and the neglect or refusal by the General Government, to enforce the Constitutional provisions for the reclamation of Fugitive Slaves.
7. *Resolved, further, That, in the opinion of this Convention, the people in the recent elections have been governed by an abiding confidence that the said adjustment measures of Congress would be enforced in good faith in every section of the land.*

These resolutions of Maine are in direct conflict with the position of Mississippi, and if her voice could control the legislation of Congress at the present session, or a corresponding sentiment of the North could do so, the issue with Mississippi, standing upon her Con-

stitutional rights, would be fairly made. It is not supposed our State will depart from her position. If there are any who desire her to do so, they have as yet given no expression to their opinion. It is well known that I was one of those who, at the time this position was taken, was in favor of having our Constitutional rights forever definitely settled, and the controversey between the North and the South forever ended ; not by a dissolution of the Union, but within the Union, and under the Constitution. But I acquiesced in the voice of the State, and stand firmly by it. Every Mississippi does the same. The time for discussion on this subject among ourselves has passed away. We became one in sentiment in acquiescence in the action of the Convention of 1851, and we will be one in action when its issues are met. I, therefore, recommend to the Legislature, in response to the Resolutions of Maine, to return to her, Resolutions unanimously re-affirming the position of Mississippi, with a calm, temperate and dignified exposition of our rights, and our determination to maintain them, *at all hazards*. If, Maine and our Northern sisters, shall make the issue of the Union with us upon the Constitution, the responsibility will be with them, and the right with us, whatever may be the result.

The difficulties in the Territory of Kansas have produced much excitement in the country, and awakened a feeling of deep interest among the people of the Southern States. Fully impressed with the importance of securing that Territory to our interests, and for the extension of our institutions, after the most mature reflection, I have not been able to see how the State, in her sovereign capacity, can take measures to effect that object. Yet I am ready to co-operate with the Legislature, in any Constitutional measure which wisdom may suggest, or their better judgment devise to secure a desirable and important result. Were it in the sphere of my duty to address the people on this subject, I would make every effort to do them which could arouse their sympathies or their interest, to encourage the spirit, and aid the progress of emigration to that Territory. The people of the South have it in their power to settle it, and they have only to make the effort, to do it. Numbers come there from the free States, but the Southern emigrants control it, not by force, but by the irresistible energy of their determination and their will. If this Territory is lost to the South, it will be the fault of our own people.

My duty is performed. My earnest hope is, that your action will be harmonious, and that, under the guidance of Providence, it will result to the best interests of the State and our common country.

JOHN J. McRA